

RESOLUTION OF ACCEPTANCE NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING REAL PROPERTY LOCATED AT 434 AND 436 DE LA VINA STREET, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AN AGREEMENT FOR ACQUISITION OF REAL PROPERTY WITH ESCROW INSTRUCTIONS AND ALL RELATED DOCUMENTS THAT MAY BE REQUIRED, INCLUDING POSSIBLY AMONG OTHERS, ANY INTERIM RENTAL AGREEMENTS, SUBJECT TO REVIEW AND APPROVAL OF THE FORM BY THE CITY ATTORNEY, ALL RELATING TO THE PROPOSED HALEY AND DE LA VINA STREET BRIDGE REPLACEMENT PROJECT, AND CONSENTING TO THE RECORDATION OF THE RELATED GRANT DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Haley Street and De La Vina Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of the City's associated project costs using funds provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement project requires the purchase by the City of the real property commonly known as 434 and 436 De La Vina Street, Santa Barbara County Assessor's Parcel APN 037-203-001, owned by Michael R. Smith, Craig A. Lieberman, Mary P. Yackley, Joshua B. Kane and Elda Bejar, due to its location immediately adjacent to the existing bridge and the proposed new bridge, for consideration in the amount of \$825,000, plus related escrow closing costs;

WHEREAS, as authorized by FHWA and Caltrans, the real property at 434 and 436 De La Vina Street has been appraised by an independent fee appraiser, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and a required appraisal summary and an agreement has been delivered to the respective owners;

WHEREAS, the written purchase offer has been accepted by the respective owners and their agreement for acquisition of real property with escrow instructions has been signed voluntarily to allow the City to purchase their property, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the agreement with the affected owners, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchase by the City of the real property, subject to approval as to form of such documents by the City Attorney, which may include possibly among others, but not be limited to, sale escrow instructions, and any interim rental agreements with existing tenants of the property, identified as Kristen Sullivan, occupant of the rental unit at 434 De La Vina Street, until lawfully relocated to make way for the project, and identified as Eva Bergas, Tami Bennett, Brittney Clemins and Kathleen King, occupants of the rental unit at 436 De La Vina Street, until their planned move on or before May 31, 2008, at the end of their enrollment as students during the current school term; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property located at 434 and 436 De La Vina Street, as more particularly described in a grant deed delivered for such purpose by Michael R. Smith, Craig A. Lieberman, Mary P. Yackley, Joshua B. Kane and Elda Bejar, as described in such agreement, without further action or subsequent resolution to accept the real property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute all required agreements with Michael R. Smith, Craig A. Lieberman, Mary P. Yackley, Joshua B. Kane and Elda Bejar to accomplish the purchase by the City of the entire real property commonly known as 434 and 436 De La Vina Street, Santa Barbara County Assessor's Parcel APN 037-203-001, for consideration in the amount of \$825,000, plus related escrow closing costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara, subject to approval by the City Attorney as to form, to negotiate and subsequently execute an interim rental agreement with existing tenant Kristen Sullivan, who currently occupies the rental unit at 434 De La Vina Street, substantially on the same rental rate, terms and conditions of an existing rental agreement with current owners until steps have been taken to cause relocation of the tenant to another unit in accordance with applicable federal, state and local relocation assistance guidelines.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara, subject to approval by the City Attorney as to form, to negotiate and subsequently execute an interim rental agreement with existing tenants Eva Bergas, Tami Bennett, Brittney Clemins and Kathleen King, occupants of the rental unit at 436 De La Vina Street, substantially on the same rental rate, terms and conditions of an existing rental agreement with current owners until their planned move on or before May 31, 2008, at the end of their enrollment as students during the current school term, without entitlement to be relocated to other residential units in accordance with applicable federal, state and local relocation assistance guidelines.

SECTION 4. The Council of the City of Santa Barbara hereby accepts the real property described in the grant deed by Michael R. Smith, Craig A. Lieberman, Mary P. Yackley, Joshua B. Kane and Elda Bejar, and consents to the recordation by the City Clerk of the grant deed in the Official Records, County of Santa Barbara.

SECTION 5. This Resolution shall become effective immediately upon its adoption.